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| APPLICATION NO.                                                  | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------------------------------------------------|-------------|-----------------------|---------------------|------------------|
| 10/616,123                                                       | 07/08/2003  | Bradley D. Schweigert | KMC-585             | 2211             |
| 7590                                                             | 05/10/2006  |                       | EXAMINER            |                  |
| Darrell F. Marquette<br>2201 W. Desert Cove<br>Phoenix, AZ 85029 |             |                       | HUNTER, ALVIN A     |                  |
|                                                                  |             |                       | ART UNIT            | PAPER NUMBER     |
|                                                                  |             |                       | 3711                |                  |

DATE MAILED: 05/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|------------------------------|------------------------|---------------------|
|                              | 10/616,123             | SCHWEIGERT ET AL.   |
| <b>Examiner</b>              | <b>Art Unit</b>        |                     |
| Alvin A. Hunter              | 3711                   |                     |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 17 February 2006.  
2a)  This action is **FINAL**.                            2b)  This action is non-final.  
3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1,4 and 5 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1,4 and 5 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 17 February 2006 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All    b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date: \_\_\_\_.  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.

5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

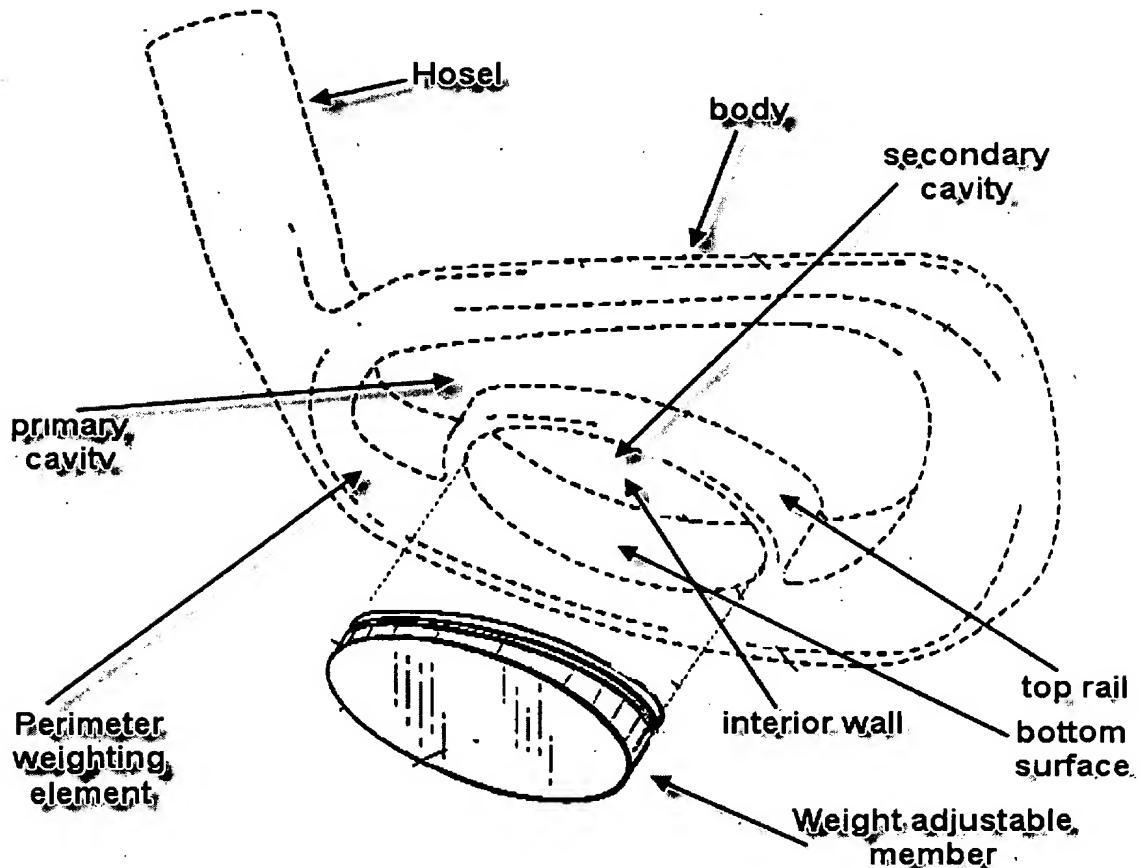
The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beebe et al. (USPN 6186903) in view of Yoneyama (JP 10-277186) and Nishitani (JP 2001-190720).

Regarding claim 1, Beebe et al. discloses a iron-type club head comprising a body having a front face arranged for impact with a golf ball, a back face, a heel portion, and a toe portion; a hosel connected to the heel portion of the body wherein the hosel has a longitudinal axis; a perimeter weighting element protruding rearwardly from the front face defining a primary cavity in the back face wherein the primary cavity has a bottom surface and the primary cavity includes a top rail extending between the heel and toe portions along an upper portion of the body and wherein the perimeter weighting element includes a sole extending between the heel and toe portions along a lower portion of the body; an interior wall extending from a first end connected to the perimeter weighting element adjacent the body heel portion through the primary cavity between the top rail and the sole to the second end connected to the perimeter weighting element adjacent the body toe portion defining an elongated secondary cavity within the primary cavity and wherein the interior wall being integrally formed on the

bottom surface of the primary cavity and extending from the bottom surface of the primary cavity in a direction that is substantially perpendicular to the longitudinal axis of the hosel thereby forming an included angle between the interior wall and the bottom surface of the cavity and the interior wall having a height dimension that varies between the first and second ends thereof with the height dimension of the interior wall being greater at the second end than at the first end (See Figures 1-9 and Columns 2 and 3).



It is unclear if the angle disclosed by Beebe et al. is an acute angle. Yoneyama discloses a club head having a wall between the interior wall of the cavity and the

bottom surface of the cavity being an acute angle (See Figures 2 and 4). Yoneyama discloses making the cavity deeper such that the axial center is parallel to the ground. One having ordinary skill in the art would have found it obvious to have a wall between the interior wall of the cavity and the bottom surface of the cavity being an acute angle, as taught by Yoneyama, in order to enhance the ease of swing through and inertia moment upon hitting a golf ball. If applicant is in doubt, of the angle taught by Yoneyama, Nishitani discloses deepening the a wall between the interior wall of the cavity and the bottom surface of the cavity and shows the wall between the interior wall of the cavity and the bottom surface of the cavity being an acute angle in which the doing so further lowers the center of gravity. No motivational statement is necessary for Nishitani being that it is only being used to show that the cavity structure of Yoneyama facilitates adjustment of the moment of inertia.

Regarding claim 4, See illustration above regarding claim 1.

Regarding claim 5, Beebe et al. discloses the weight adjustment member being selected from a plurality of weight adjustment members of different weights. (See Column 3, lines 16 through 37).

Applicant's arguments with respect to claims 1, 4, and 5 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin A. Hunter whose telephone number is (571) 272-

4411. The examiner can normally be reached on Monday through Friday from 7:30AM to 4:00PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Kim, can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*AAH*  
Alvin A. Hunter, Jr.

*Gene K*  
EUGENE KIM  
SUPERVISORY PATENT EXAMINER